

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: January 11, 2018

Judge: Hon. James Donato

Time: 1 Hour & 36 Minutes

Case No. **C-14-03264-JD IN RE CAPACITORS ANTITRUST LITIGATION**

Attorney(s) for Plaintiff(s): Joshua P. Davis/Demetrius X. Lambrinos/James G. Dallal/  
Nicomedes Sy Herrera/Adam Zapala/Victoria L. Smith/  
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Tompkins/Joseph Saveri

Attorney(s) for Defendant(s): John F. Cove, Jr./Mark Flanagan/Philip S. Van Der Weele/  
Charles F. Rule/Jonathan Gaskin/Darrell Prescott/Jeffrey  
Kessler/Jeffrey Bank/Jarod M. Bona/Ian Papendick/Michael F.  
Tubach/Gaspere J. Bono/Claire M. Maddox/Michael E.  
Martinez/Robert G. Kidwell/Heather Tewksbury/Roxane  
Polidora

Deputy Clerk: Lisa R. Clark

Court Reporter: Kathy Sullivan

PROCEEDINGS

Defendants' FTAIA Motion for Partial Summary Judgment for Flextronics' Claims - Held  
Discovery Hearing - Held  
Status Conference - Held

NOTES AND ORDERS

**I. FTAIA PHASE II MOTION (FLEXTRONICS)**

The Court hears argument on defendants' Phase II Joint Motion for Partial Summary Judgment Dismissing Flextronics' Claims for Foreign Transactions. Dkt. No. 1661. The motion is taken under submission and the Court will issue a written order.

**II. DISCOVERY DISPUTES**

Plaintiffs' request for Panasonic's clawed-back and withheld documents, Dkt. Nos. 1977, 2004:

- Panasonic's counsel provides to the Court the three clawed-back documents. The Court will review the documents and issue a ruling on plaintiffs' request to compel production.

- For the other 99 documents from Panasonic's privilege log that are at issue, plaintiffs will pick six exemplar entries. Panasonic will submit those documents (with Japanese translations, as applicable) for the Court's in camera review and further ruling.

KEMET's request for a protective order prohibiting the deposition of KEMET's CEO (Per Olof Loof), Dkt. No. 1993:

- The Court grants KEMET's request. Plaintiffs may request to revisit this issue if good cause arises.

Plaintiffs' request for documents re defendants' disciplinary activities and internal investigations, Dkt. No. 1986:

- This request implicates documents created after this case was filed in 2014. The parties will jointly submit a summary of the Court's prior orders relating to a hard cut-off as of that date. The Court will then issue a final ruling on this discovery dispute.

Plaintiffs' request for an extension of their deadline to identify new deponents, Dkt. No. 1988:

- Plaintiffs agree this request is mooted by the scheduling discussion summarized below.

### **III. MDL ORGANIZATION AND SCHEDULING / MISC. OTHER MATTERS**

Going forward, the parties are to file all documents in the new MDL case docket (Case No. 17-md-2801). In addition, DPPs, IPPs and Flextronics should file the documents in the 14-3264 case as well; AASI in the 17-3472 case, Avnet in 17-7046, and Benchmark Electronics, Inc. in 17-7047.

The Court approves the jointly-stipulated case schedule submitted at Dkt. No. 1907, extending all dates out by 60 days. The case schedule may be affected by the government's stay request, which will be heard on January 25, 2018. DPPs represent that their pending request for leave to amend their complaint, even if granted, will not affect the case schedule.

The Court will inform the parties if it wishes to hear live expert testimony for the DPPs' pending class certification motion.

DPPs request that the Court consider granting their unopposed motion for preliminary approval of settlements with Hitachi Chemical and Soshin (Dkt. No. 1989) on the papers.

The Court requests that plaintiffs file quarterly updates on the defendants that are completely out of the case and may be terminated as a result of settlements reached with all plaintiff groups.

For Digi-Key Corporation's motion to relate (Dkt. No. 2006), the Court advises Digi-Key that it must go through the process designated by the JPML to become a part of the MDL.